

## **REMARKS**

Claims 1-20 were pending in the application. Claims 13-20 have been cancelled. Claims 1 and 8-12 have been amended. Claims 1-12 remain pending in the application.

### **35 U.S.C. § 103(a) Rejection and Allowable Subject Matter:**

Claims 1-12 and 14-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spaur, U.S. Patent 5,732,074, in view of Fawcett, U.S. Patent 5,845,077. Claim 13 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant has amended claim 8 to incorporate the features of claim 13 and thus submits that the rejection of claims 8-12 is now moot. Applicant notes that, in amending the features of claim 13 into claim 8, the clause “delivering said upgrade data to said first network device” has been removed from the claim, as it is believed redundant with the clause “transmitting said upgrade data to said first network device”.

Applicant has amended claim 1 to incorporate features similar to those recited in claim 13, and thus believes that claims 1-7 are allowable for at least this reason.

With respect to claims 14-20, Applicant submits that the rejection as applied to these claims is now moot in light of their cancellation.

**CONCLUSION**

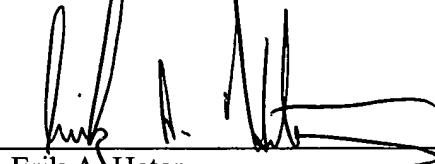
Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5181-29900/BNK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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AGENT FOR APPLICANT(S)

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